IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2007

CORAM;

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.NO.3095 OF 2007

P. Palanisamy ..Petitioner

vs

Tamil Nadu State Transport
Corporation Ltd.,
rep.by its Managing Director
37 Mettupalayam Road
Coimbatore -43. ..Respondent

Writ Petition is filed under Article 226 of the Constitution of India for the issue of writ of Mandamus as stated therein.

for petitioner :Ms. S. Girija

for respondents :Mr.C.Kanagaraj, G.A.,

.....

ORDER

The writ petition is filed for issue of a writ of Mandamus directing the respondent to give preference to the petitioner in the employment as Conductor in the respondent Corporation in the existing vacancies as per Sec.25-H of the Industrial Disputes Act and G.O.No. 41 Transport Department, dated 13.7.2006.

2.Heard the learned counsel for the petitioner and Mr.C.Kanagaraj, learned Government Advocate, taking notice on behalf of the respondent.

WEB COPY

3.According to the petitioner, he has completed 240 days of service. As per the decision of a Division Bench of this Court dated 8.12.97 in W.A. Nos.1294 to 1299 of 1997 etc. batch, the petitioner should be reinstated, if he had worked for more than 240 days or he should be re-employed in future vacancies, if he had worked for less than 240 days under Section 25-H of the Industrial Disputes Act. Hence, the respondent is directed to consider the representation of

https://hcservices.ecourts.gov.in/hcservices/

the petitioner dated 30.8.2006 and pass appropriate orders as per Section 25-H of the Industrial Disputes Act and the judgment of the Division Bench in W.A.No.2985 of 2003 etc batch dated 8.12.2005 and the order in W.P.No.26195/2006 dated 14.12.2006 regarding re-employment of the petitioner as Conductor in the existing vacancies within a period of eight weeks from the date of receipt of a copy of this order making it clear that the said right shall not be available if the petitioner has not worked even for a single day and made a bogus claim.

4.The writ petition is disposed of accordingly. No costs.

ra

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
37 Mettupalayam Road
Coimbatore -43.

1 CC TO MR.C. KANAGARAJ, ADVOCATE SR 5208

1 CC TO MS. S. GIRIJA, ADVOCATE SR 5207

W.P.NO.3095/2007

29.01.2007

GG(CO)

BP/7.2

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/